

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

<p>IN RE:</p> <p>PATRIOT COAL CORPORATION, ET AL.,</p> <p>Debtors.</p>	<p>CASE NO. 15-bk-32450 (EDVA) MAIN CASE</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-bk-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>JOHN BOLON,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, SPEED MINING, LLC, DALE SMITH, SHAWN ENDICOTT, and DEBRA VAUGHN,</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-02008 LEAD ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC,</p> <p>Third-Party Plaintiff,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Third-Party Defendant.</p>	

<p>BLACKHAWK MINING, LLC,</p> <p>Counter-Claimant,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Counter-Defendant.</p>	
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<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-bk-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>STEVEN SMITH,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC,</p> <p>SPEED MINING, LLC,</p> <p>DALE SMITH,</p> <p>SHAWN ENDICOTT, and</p> <p>DEBRA VAUGHN,</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO.</p> <p>2:16-ap-02009</p> <p>CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC,</p> <p>Third-Party Plaintiff,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Third-Party Defendant.</p>	

<p>BLACKHAWK MINING, LLC,</p> <p>Counter-Claimant,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Counter-Defendant.</p>	
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<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-bk-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>ARTHUR E. ADKINS,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC,</p> <p>SPEED MINING, LLC,</p> <p>DALE SMITH,</p> <p>SHAWN ENDICOTT, and</p> <p>DEBRA VAUGHN</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO.</p> <p>2:16-ap-02011</p> <p>CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC,</p> <p>Third-Party Plaintiff,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Third-Party Defendant.</p>	

<p>BLACKHAWK MINING, LLC,</p> <p>Counter-Claimant</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Counter-Defendant.</p>	
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<p>IN RE:</p> <p>APPALACHIA MINE SERVICES, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-bk-32460 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>JACKIE EARL TERHERST,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC,</p> <p>APPALACHIA MINE SERVICES, LLC,</p> <p>COLIN MILAM,</p> <p>BOBBY STOVER, and</p> <p>GREG DOTSON</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO.</p> <p>2:16-ap-02012</p> <p>CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC,</p> <p>Third-Party Plaintiff,</p> <p>v.</p> <p>APPALACHIA MINE SERVICES, LLC,</p> <p>Third-Party Defendant.</p>	

<p>BLACKHAWK MINING, LLC,</p> <p>Counter-Claimant,</p> <p>v.</p> <p>APPALACHIA MINE SERVICES, LLC,</p> <p>Counter-Defendant.</p>	
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<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-bk-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>JACK SIZEMORE,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC,</p> <p>SPEED MINING, LLC,</p> <p>JOE PRICE,</p> <p>DEBRA VAUGHN, and</p> <p>PANTHER CREEK MINING, LLC</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO.</p> <p>2:16-ap-02016</p> <p>CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC, and</p> <p>PANTHER CREEK MINING, LLC,</p> <p>Third-Party Plaintiffs,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Third-Party Defendant.</p>	

<p>BLACKHAWK MINING, LLC,</p> <p style="text-align: center;">Cross-Claimant,</p> <p>v.</p> <p>SPEED MINING, LLC</p> <p style="text-align: center;">Cross-Defendant.</p>	
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<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p style="text-align: center;">Debtor.</p>	<p>CASE NO. 15-bk-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>REX SMITH,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, SPEED MINING, LLC, JOE PRICE, DEBRA VAUGHN, and PANTHER CREEK MINING, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-02017 CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC, and PANTHER CREEK MINING, LLC,</p> <p style="text-align: center;">Third-Party Plaintiffs,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p style="text-align: center;">Third-Party Defendant.</p>	

<p>BLACKHAWK MINING, LLC,</p> <p style="text-align: center;">Cross-Claimant,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p style="text-align: center;">Cross-Defendant.</p>	
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<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p style="text-align: center;">Debtor.</p>	<p>CASE NO. 15-bk-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>JOHN FOX,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, SPEED MINING, LLC, DALE SMITH, DEBRA VAUGHN, and PANTHER CREEK MINING, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-02018 CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC,</p> <p style="text-align: center;">Cross-Claimant,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p style="text-align: center;">Cross Defendant.</p>	

<p>BLACKHAWK MINING, LLC, PANTHER CREEK MINING, LLC,</p> <p style="text-align: center;">Third-Party Plaintiffs,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p style="text-align: center;">Third-Party Defendants.</p>	
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<p>IN RE:</p> <p>WILDCAT ENERGY, LLC,</p> <p style="text-align: center;">Debtor.</p>	<p>CASE NO. 15-bk-32465 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>DENNIS BARKER,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, WILDCAT ENERGY, LLC, JAMES BUCKNER, MARK GEORGE, and PANTHER CREEK MINING, LLC,</p> <p style="text-align: center;">Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-02020 CONSOLIDATED ACTION</p> <p style="text-align: center;">JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC,</p> <p style="text-align: center;">Third-Party Plaintiff,</p> <p>v.</p> <p>WILDCAT ENERGY, LLC,</p> <p style="text-align: center;">Third-Party Defendant.</p>	

IN RE: EASTERN ASSOCIATED COAL, LLC, Debtor.	CASE NO. 15-bk-32484 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
BARRY BROWN, Plaintiff, v. BLACKHAWK MINING, LLC, EASTERN ASSOCIATED COAL, LLC, COLIN MILAM, and GREG DOTSON, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02021 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, Third-Party Plaintiff, v. EASTERN ASSOCIATED COAL, LLC, Third-Party Defendant.	

IN RE: SPEED MINING, LLC, Debtor.	CASE NO. 15-bk-32462 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
DAVID DOWNEY, Plaintiff, v. BLACKHAWK MINING, LLC, SPEED MINING, LLC, DALE SMITH, DEBRA VAUGHN, and PANTHER CREEK MINING, LLC, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02022 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, Third-Party Plaintiff, v. SPEED MINING, LLC, Third-Party Defendant.	

IN RE: SPEED MINING, LLC, Debtor.	CASE NO. 15-bk-32462 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
JAMES OILER, Plaintiff, v. BLACKHAWK MINING, LLC, SPEED MINING, LLC, DALE SMITH, SHAWN ENDICOTT, DEBRA VAUGHN, and PANTHER CREEK MINING, LLC, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02023 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
PANTHER CREEK MINING, LLC, Third-Party Plaintiff, v. SPEED MINING, LLC, Third-Party Defendant.	

IN RE: WILDCAT ENERGY, LLC, Debtor.	CASE NO. 15-bk-32465 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
BRENDA TEDDER, Plaintiff, v. BLACKHAWK MINING, LLC, WILDCAT ENERGY, LLC, KEVIN BAKER, WAYNE ELKINS, and MARK GEORGE, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02024 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, Third-Party Plaintiff, v. WILDCAT ENERGY, LLC, Third-Party Defendant.	

IN RE: SPEED MINING, LLC, Debtor.	CASE NO. 15-32462 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
FORREST WILLIAMS, Plaintiff, v. BLACKHAWK MINING, LLC, SPEED MINING, LLC, DALE SMITH, SHAWN ENDICOTT, DEBRA VAUGHN, and PANTHER CREEK MINING, LLC, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02025 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, and PANTHER CREEK MINING, LLC, Third-Party Plaintiffs, v. SPEED MINING, LLC, Third-Party Defendant.	

IN RE:	CASE NO. 15-32465 (EDVA)
WILDCAT ENERGY, LLC,	CHAPTER 11
Debtor.	JUDGE KEITH L. PHILLIPS
PAUL ESTEP, Plaintiff, v. JOHN DOE LLC, JAMES BUCKNER, JERRY PRICE, MARK GEORGE, and BLACKHAWK MINING, LLC, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02028 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, Third-Party Plaintiff, v. WILDCAT ENERGY, LLC, Third-Party Defendant.	

IN RE: GATEWAY EAGLE COAL COMPANY, LLC, Debtor.	CASE NO. 15-32493 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
HAROLD WOODS, Plaintiff, v. JOHN DOE LLC, COLIN MILAM, GREG DOTSON, and BLACKHAWK MINING, LLC, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02029 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, Third-Party Plaintiff, v. GATEWAY EAGLE COAL COMPANY, LLC, Third-Party Defendant.	

IN RE: GATEWAY EAGLE COAL COMPANY, LLC, Debtor.	CASE NO. 15-32493 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
JON HATFIELD, Plaintiff, v. BLACKHAWK MINING, LLC, JOHN DOE LLC, COLIN MILAM, and GREG DOTSON, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02030 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, Third-Party Plaintiff, v. GATEWAY EAGLE COAL COMPANY, LLC, Third-Party Defendant.	

<p>IN RE:</p> <p>HOBET MINING, LLC,</p> <p style="text-align: center;">Debtor.</p>	<p>CASE NO. 15-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>STEVEN GODBY,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>ERP COMPLIANT FUELS, LLC, VIRGINIA CONSERVATION LEGACY FUND, INC., ERP ENVIRONMENTAL FUND, INC., BENNY DIXON, CHARLENE NECESSARY, and DENNIS WELLMAN,</p> <p style="text-align: center;">Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-02033 CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>

IN RE: SPEED MINING, LLC, Debtor.	CASE NO. 15-32462 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
THOMAS TAYLOR, Plaintiff, v. BLACKHAWK MINING, LLC, PANTHER CREEK MINING, LLC, DALE SMITH, SHAWN ENDICOTT, and DEBRA VAUGHN, Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-02034 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, and PANTHER CREEK MINING, LLC, Third-Party Plaintiffs, v. SPEED MINING, LLC, Third-Party Defendant.	

<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>DAVID MCENDREE,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, SPEED MINING, LLC, JAMES LEMON, DEBRA VAUGHN</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-02043 CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC,</p> <p>Cross-Claimant,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Cross Defendant.</p>	

<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>GARY DEAL,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, SPEED MINING, LLC, JAMES LEMON, DEBRA VAUGHN</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-2044 CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC,</p> <p>Cross-Claimant,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Cross Defendant.</p>	

<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>GARY VANMETER,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, PANTHER CREEK MINING, LLC, DEBRA VAUGHN</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-2045 CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC, PANTHER CREEK MINING, LLC,</p> <p>Third-Party Plaintiffs,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Third-Party Defendant.</p>	

<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>MICHAEL SPACK,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, PANTHER CREEK MINING, LLC, DEBRA VAUGHN</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-2046 CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC, PANTHER CREEK MINING, LLC,</p> <p>Third-Party Plaintiffs,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Third-Party Defendant.</p>	

IN RE: SPEED MINING, LLC, Debtor.	CASE NO. 15-32462 (EDVA) CHAPTER 11 JUDGE KEITH L. PHILLIPS
KEITH REEVES, Plaintiff, v. BLACKHAWK MINING, LLC, ROCKWELL MINING, LLC COLIN MILAM JUSTIN RAY GREG DOTSONJAMES LEMON, DEBRA VAUGHN Defendants.	ADVERSARY PROCEEDING NO. 2:16-ap-2047 CONSOLIDATED ACTION JUDGE FRANK W. VOLK
BLACKHAWK MINING, LLC, ROCKWELL MINING, LLC Third-Party Plaintiffs, v. APPALACHIA MINE SERVICES, LLC Third-Party Defendant.	

<p>IN RE:</p> <p>SPEED MINING, LLC,</p> <p>Debtor.</p>	<p>CASE NO. 15-32462 (EDVA)</p> <p>CHAPTER 11</p> <p>JUDGE KEITH L. PHILLIPS</p>
<p>PAUL RICHARDSON,</p> <p>Plaintiff,</p> <p>v.</p> <p>BLACKHAWK MINING, LLC, PANTHER CREEK MINING, LLC, DEBRA VAUGHN</p> <p>Defendants.</p>	<p>ADVERSARY PROCEEDING NO. 2:16-ap-2048 CONSOLIDATED ACTION</p> <p>JUDGE FRANK W. VOLK</p>
<p>BLACKHAWK MINING, LLC, PANTHER CREEK MINING, LLC,</p> <p>Third-Party Plaintiff,</p> <p>v.</p> <p>SPEED MINING, LLC,</p> <p>Third-Party Defendant.</p>	

MEMORANDUM OPINION AND ORDER RESPECTING TRANSFER OF VENUE
AND COORDINATION OF REMAND BRIEFING

Pending are the motions to remand and to transfer venue filed in the lead *Bolon* action, respectively, on March 4 and February 16, 2016.

On June 27, 2016, the Court entered its “Order and Notice Respecting Consolidation,” (“June Order”), which joined these actions for purposes of adjudicating certain issues. The matters are ready for adjudication using solely the briefing in the *Bolon* matter, having provided counsel for all parties an opportunity to object to that procedure.

I.

On May 12, 2015, Patriot Coal Corporation and certain of its Debtor affiliates (hereinafter jointly referred to as “the Debtors”) commenced their Chapter 11 cases in the United States Bankruptcy Court for the Eastern District of Virginia. The presiding judge, the Honorable Keith L. Phillips, allowed joint administration of the cases on May 13, 2015. At the time of the filing of their Chapter 11 cases, the Debtors produced and marketed coal in the United States.

Plaintiff John Bolon and the other captioned plaintiffs instituted actions against the named Defendants and some of the Debtors, alleging employment discrimination. In some of the actions, Plaintiffs amended their complaints prior to removal and eliminated the Debtor parties as Defendants. In other cases, post-removal amendment was permitted to accomplish the same result. In all such instances, however, the Debtors have been added anew by the Movant Blackhawk Mining, LLC (“Blackhawk”), by third-party practice. Transfer is sought in each case and, in some instances, has not been opposed.

Judge Phillips confirmed Patriot’s Fourth Amended Joint Plan of Reorganization, including an Asset Purchase Agreement (“APA”) involving Blackhawk. (Conf. Order, at 31, ¶ 89 (as to Plan)). The Confirmation Order provides that Judge Phillips’ may retain jurisdiction over “the matters set forth in Article XI and other applicable provisions of the Plan.” (*Id.* at 37, ¶ 111). Specifically, Article XI provides for retention of jurisdiction “over the Chapter 11 Cases and all matters arising out of, or related to, the Chapter 11 Cases and the Plan. . . .” (Plan at 57-58). The Plan additionally provides that the retention of jurisdiction includes the privilege to,

[H]ear and determine all disputes involving the existence, nature, or scope of the Debtors’ release, including any dispute related to any liability arising out of the termination of employment or the termination of any employee or retiree benefit program, regardless of whether such termination occurred prior to or after the

Effective Date; . . . enforce all orders previously entered by the Bankruptcy Court; . . . to resolve any disputes arising under, or enforce the terms and conditions of, the Blackhawk Transaction Documents, the VCLF Transaction Documents, or Liquidating Trust Agreement, as applicable; . . . hear any other matter not inconsistent with the Bankruptcy Code, including, without limitation, any matters that may arise in connection with, or related to, the Blackhawk Transaction Documents or the VCLF Transaction Documents

Id. at 57-58. Neither Blackhawk nor its subsidiaries are successors to Debtors, other than with respect to the Assumed Liabilities as expressly stated in the APA. The transfer of assets to Blackhawk, however, was free and clear of all liens, claims and interests pursuant to the APA.

(*See, e.g.*, Conf. Ord. ¶ 114). Under the Confirmation Order, Blackhawk:

(i) does not, pursuant to the Plan or otherwise, assume, agree to perform, pay, or otherwise have any responsibilities for any liabilities or obligations of the Debtors or any other Person relating to or arising out of the operations or assets of the Debtors on or prior to the Effective Date; (ii) is not, and shall not be, a successor to the Debtors by reason of any theory of law or equity; and (iii) shall not have any successor or transferee liability of any kind or character; provided that Blackhawk shall promptly perform and discharge the obligations specified in the Blackhawk APA, including, without limitation, the Assumed Liabilities.

(*Id.* ¶ 116). The Confirmation Order additionally provides as follows:

Subject to the terms of the Blackhawk Transaction Documents, the Blackhawk Purchased Assets shall be transferred to and vest in the Combined Company free and clear of all claims (including, without limitation, all ‘claims’ as defined in section 101(5) of the Bankruptcy Code). Other than the Blackhawk Assumed Liabilities, such Blackhawk Purchased Assets shall specifically be taken free and clear of all liens, claims (as defined in section 101(5) of the Bankruptcy Code), encumbrances, obligations, liabilities, contractual commitments or interests of any kind or nature whatsoever, whether contingent, unliquidated, unmatured or otherwise, in respect of the Debtors or any property of the Debtors, including, without limitation, any employee, workers’ compensation, occupational disease or unemployment or temporary disability related claim, including without limitation, claims that might otherwise arise under or pursuant to: . . . g. the Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 6231 et seq., as amended . . . ; m. state discrimination laws . . . ; [and] o. any other state or federal benefits or claims relating to any employment with any of the Debtors or any of their respective predecessors (including any liabilities for or associated with contributions to the UMW 1974 Pension Plan, including Patriot’s withdrawal liabilities under the plan).

(*Id.* ¶ 117). Other provisions in the Confirmation Order are to similar effect.

II.

In seeking transfer to the Bankruptcy Court for the Eastern District of Virginia, Blackhawk's central contention is as follows:

[T]he confirmation order controls the alleged liabilities in this case, and the enforceability of any judgment rendered turns on the interpretation of the Confirmation Order and the Plan, as well as the APA. The Virginia Bankruptcy Court is uniquely situated to interpret its own Confirmation Order and the Plan; therefore, the factors here weigh heavily in favor of a transfer of the present case to the U.S. Bankruptcy Court for the Eastern District of Virginia.

(Mot. to Trans. at 12).

Mr. Bolon and a number of his fellow plaintiffs assert that the Court should first pass on their request to remand the lead and member cases to the state tribunals. The matter is not a simple one. As one commentator has noted, there is a split of authority

[w]here a state court action has been removed to the bankruptcy court and one party files a motion to remand, while another party files a motion to change venue, [with] some courts . . . [holding] that the motion to remand should be heard first, whereas others have held that the motion to change venue should be heard first reasoning that the bankruptcy court where the case is pending is in a better position to decide an abstention or remand motion.

1 *Bankruptcy Litigation* § 1:84 (2016). While the Court is unwilling to adopt a hard-and-fast rule on the matter, it is predisposed under these circumstances to rule first on transfer, at least where there is at issue the interpretation of a Confirmation Order entered in recent years by the judicial officer presiding over the main case. That interpretation, by the author of the Confirmation Order, may obviate the need for further litigation altogether or authoritatively steer it to the appropriate forum. There are, of course, additional benefits -- too numerous to mention -- of permitting the

judicial officer in the home court to have a “first look” privilege under the circumstances presented here.

Having considered the applicable factors, and paying due regard to the all-important factor respecting the economical and efficient administration of the estate, along with the “home court” presumption, it is **ORDERED** that the motion to transfer in the *Bolon* lead action, along with transfer in the member cases, be, and hereby is, **GRANTED**. It is further **ORDERED** as follows:

1. That the lead action and its member cases be, and hereby are, transferred to the United States Bankruptcy Court for the Eastern District of Virginia;
2. That the motion to remand in the *Bolon* matter be, and hereby is, **DENIED** without prejudice; and
3. That counsel for the parties be, and hereby are, directed, unless otherwise ordered by the transferee court, to meet and confer on or before October 30, 2016, and file a joint report for consideration by the transferee judge leading to a single, consolidated set of briefs addressing the issue of remand.